

Amendment No. 1 to HB0586

**Lamberth
Signature of Sponsor**

AMEND Senate Bill No. 258*

House Bill No. 586

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 28-2-101, is amended by adding the following language as a new subsection:

(c) Notwithstanding subsections (a) and (b), a person is barred from claiming adverse possession of any land when the land was possessed by illegal means, as defined in § 28-2-102(b).

SECTION 2. Tennessee Code Annotated, Section 28-2-102, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection:

(b)

(1) Notwithstanding subsection (a), an action against the person in possession, under recorded assurance of title, shall not be barred if the person, or those claiming under such person, alleged of neglecting such property can prove, by a preponderance of the evidence, that the property was possessed by illegal means. As used in this section, "illegal means" may include, but not be limited to, intentionally moving, removing, or otherwise destroying the property stakes or other physical markings used by the lawful property owner to designate property lines.

(2)

(A) Any person who intentionally moves, removes, or otherwise destroys the property stakes or other physical markings used by the lawful property owner to designate property lines to illegally mark or alter

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the lawful property owner's property lines to possess the property pursuant to this title and chapter commits a Class A misdemeanor.

(B) Notwithstanding § 40-2-102(a), prosecution for an offense under this subdivision (b)(2) shall be commenced within twelve (12) months after the offense has been discovered.

(3) An action pursuant to this subsection (b) may be initiated by the person, or those claiming under such person, alleged of neglecting the property in a court of competent jurisdiction where the property is located.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.